

## WILTSHIRE COUNCIL

### WESTERN AREA LICENSING SUB COMMITTEE

25 MAY 2011

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#### Application for a Premises Licence; The Civic Centre, St Stephens Place Trowbridge BA14 8AH

#### 1. Purpose of Report

- 1.1 To determine an application made by Trowbridge Town Council, for a Premises Licence in respect of The Civic Centre, St Stephens Place, Trowbridge.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of The Civic Centre has been made by Trowbridge Town Council for which relevant representations have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers necessary for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
  - ii) Public Safety;
  - iii) The Prevention of Public Nuisance; and
  - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers necessary for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
  - ii) To exclude from the scope of the application any licensable activity.
  - iii) To refuse to specify a person as the designated premises supervisor.
  - iv) To reject the application.
- 2.5 On 1 April 2011, an application for a Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Plays	0800 – 0500 indoors 0800 – 2200 outdoors	Monday – Sunday
Films	0800 – 0500 indoors 0800 – 2200 outdoors	Monday – Sunday
Indoor sporting events	0800 – 0500	Monday – Sunday
Boxing or wrestling entertainment	0800 – 0500	Monday – Sunday
Live music	0800 – 0500 indoors 0800 – 2200 outdoors	Monday – Sunday
Recorded music	0800 – 0500 indoors 0800 – 2200 outdoors	Monday – Sunday
Performance of dance	0800 – 0500 indoors 0800 – 2200 outdoors	Monday – Sunday
Anything of a similar description	0800 – 0500 indoors 0800 – 2200 outdoors	Monday – Sunday
<u>Provision of entertainment facilities</u>		
Making music	0800 – 0500 indoors 0800 – 2200 outdoors	Monday – Sunday
Dancing	0800 – 0500 indoors 0800 – 2200 outdoors	Monday – Sunday
Entertainment of a similar description	0800 – 0500 indoors 0800 – 2200 outdoors	Monday - Sunday
Provision of late night refreshment	2300 – 0500 indoors	Monday – Sunday
Sale by retail of alcohol (on & off the premises)	0800 – 0500 indoors 0800 – 2200 outdoors	Monday - Sunday

A copy of the application from Trowbridge Town Council is attached as **Appendix (a)**.

- 2.7 The application is to cover the Trowbridge Town Park and café, Market Street, Fore Street, a small part of Silver Street and the Civic Centre. The Civic Centre building replaces the building previously known as the Civic Hall.
- 2.8 A location plan of the area to be licensed is attached as **Appendix 2b** to this report.
- 2.9 A copy of the plans submitted by the Applicants with the application, will be available at the hearing.
- 2.10 Background Information - During the consultation period, the following worded condition relating to the building (formally known as The Civic Hall) was agreed between the Applicants and the Wiltshire Police Licensing Officer.

"A CCTV system with recording or monitoring capability shall be installed to cover all floors of the premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. The image quality shall be sufficient to be able to identify individuals. Recordings will be kept for 30 days and be made readily available to any authorised Officer of the Council or Police Officer on duty."

- 2.11 Currently, Trowbridge Town Council holds a Premises Licence under the Licensing Act 2003, which covers Park Road, Market Street, Fore Street, and the upper Park, including the Park's bandstand.

The licensable activities and the hours of operation of this licence, are as follows:

Sale of Alcohol	)		
(on & off sales)	)	Monday to Sunday	1000 to 2200 hours
Regulated Entertainment	)		
(including live music)	)		

### 3. Consultation and Representations

- 3.1 The application process requires a public notice to be posted on the premises for a period of 28 days. During the consultation period relevant representations have been received from 10 residents of Knightstone Court, St Stephen's Place, Trowbridge, BA14 8AH, (Interested Parties).

#### 3.2 Responsible Authorities

No Responsible Authority has made a representation in connection with this application

#### 3.3 Interested Parties

- |                    |         |                   |
|--------------------|---------|-------------------|
| • Mrs I Brewer     | Flat 1  | Knightstone Court |
| • Mrs B Baxendale  | Flat 3  | "                 |
| • Mrs Cole         | Flat 6  | "                 |
| • Mrs C Macfarlane | Flat 9  | "                 |
| • Mr P Wilson      | Flat 10 | "                 |
| • Mrs A Wilson     | Flat 10 | "                 |

- Mr Atkinson Flat 16 “
- Mrs R Atkinson Flat 16 “
- Mrs Z Bishop Flat 17 “
- Mrs J Swift Flat 18 “

3.4 A summary of the representations made is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Anti Social Behaviour	Crime & Disorder	√	
Public Safety	Public Safety	√	

3.5 The relevant representations are attached as **Appendix 2a**. Attached as **Appendix 2b** is a plan which shows the locations from where representations have been made.

#### **4. Legal Implications**

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, all Responsible Authorities and Interested Parties who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those Responsible Authorities and Interested Parties who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

#### **5. Officer Recommendations**

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

#### **6. Right of Appeal**

6.1 It should be noted that the Applicant, the Responsible Authority(ies) and Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

6.3 A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if

requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

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9 May 2011

### **Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

### **Appendices**

- (a) Application for a Premises Licence under the Licensing Act 2003**
- (b) Copies of relevant representations**
- (c) Location map of the area/premises to be licensed and includes the locations of where representations have been made.**